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File No. O Post office
43
Legal Department
A **BRANCH**

Subject:—

Opinions under the

Post office Act, 1898

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File No. O. Post. office/43

Gen. 191 e.

216 A

C O N T E N T S

Legal Department File No.40. Post Office/1943.

Sr. No.	Compilation No.	Subject	Pages
		Opinions under the Post Office Act 1898.	
1	O.No.1743 10-3-43.	Question whether the post office had authority to part with the money to 'Turner' since the notice to the payee does not purport to be endorsed by Bond although it does purport to be endorsed by "Cyril" and the acknowledgment was not signed by 'Bond' but by Turner "for" him.	1 - 6
1	O.No.376-confl. 7-12-43.	Section 2 (1) Question whether "money Orders" are postal orders	7 - 8

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9-7-56. 5c.

11/7

K.S.R.
11/7.

Confidential.

No. 1962 A.
Rear H.Q., Southern Army,
Poona, 22 January 1943.
23

To :-

Legal Remembrancer to
the Government of Bombay,
Secretariat, Bombay Castle,
Bombay.

Sir,

The following are briefly the facts of a case forwarded to you for opinion and advice :-

On 15th or 16th April one Tpr.Bond received a cable from his wife that she had sent him ten pounds. A notice in respect of this arrived in his unit. From the copy notice enclosed it will be seen that the notice is directed to "No.5729352 Tpr. Cyril". The number is that of Tpr. Bond and Cyril is his first name. One Turner, a regimental postman without the knowledge of Tpr. Bond took this notice and presented it to the post office some time later falsely stating that he had been authorised by the payee to collect the money. He signed the acknowledgment from 'for' the payee and obtained the money from the M.O. Clerk.

This notice was not seen by the payee, whose signature as also that of an officer were forged by one L/Cpl.Nelson. The money thus received was shared by Turner and Nelson.

Under these circumstances it appears questionable whether the post office had authority to part with the moneys to Turner since the notice to the payee in the case does not purport to be endorsed by Bond although it does purport to be endorsed by "Cyril" and the acknowledgment was not signed by Bond but by Turner "for" him.

Will you please advise whether this amount can be recovered from the postal authorities and if so what is the procedure to be adopted.

Ihave the honour to be,
Sir,
Your obedient servant,

Sd/-

Major General,
M.G.A., Southern Army.

SSD.
9.7.56. 4c.

I.M.D. 4747

Notice to Payee.

M

Sd/- xxxxxxxxx
President.

Tpr. Cyril 5729857
3rd Carabeniers

Sir,

I have the honour to inform you that a money order for Rs. 132/8 issued by the Bath Post Office in your favour has been received by this office, and to request you to call personally, or send an agent <u>authorised in writing to sign the money order</u>, to receive payment of the above amount. The acknowledgment for the money order (to be returned to the remitter) is sent herewith and should be present at the Post Office along with this notice by your-self, or by your agent when applying for payment of the order.

2. Should you prefer to return this notice duly endorsed with a receipt of payment, together with the acknowledgment duly signed, through an ordinary messenger, this course may be followed and the amount of the money order will then be paid to the person who presents these documents on your behalf.

Yours faithfully.

Sd/- xxxxxxxx
Post Master.

Sd/- x x x x x x

President of D.C.M.
17/10/42.

SSD.
9.7.56. 4c.

No. 1743
Office of the
Remembrancer of Legal Affairs.
Bombay Castle, 10th March '43.

From

P.N. Moos, Esquire, Bar-at-Law, I.C.S.,
Remembrancer of Legal Affairs.

To

The Major General,
M.G.A. Southern Army,
Poona.

Subject:- Recovery of Money Order amount wrongly paid to another.

Sir,

With reference to your letter No. 1962-A dated the 23rd January 1943, I have the honour to state that in the circumstances the proper course would be to bring the facts at once to the notice of the postal authorities and request them to pay the amount to the proper person and recover it by exercising their powers under section 47 of the Indian Post Office Act or as may seem fit to them. If the postal authorities refuse, the position will require further consideration.

Your obedient servant,

Id/- P.N.M.
9/3 -

Remembrancer of Legal Affairs.

SSD.
9.7.56. 4c.

Office of the R.L.A.

"Money Orders" are postal orders (see section 45 of the Postal Office Act, 1898) and not articles or things transmissible by post within the meaning of section 2(i). The Postal authorities do not deliver the order itself to the addressee but the money authorised by the order. There is therefore no question of the order being transmissible. (See section 3 (a). The Post Office Act itself appears to make a distinction between "Postal Articles" and "Money Orders" (See Chapters V and IX of the Act). The view taken by H.D. is not correct.

Id/- P.N.M.
6/12

Remembrancer of Legal Affairs.

U.R. to H.D. (Spl) No. 376- Confl., dated the 7th December 1943.

SSD.
9.7.56. 4c.